**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**MISCELLANEOUS PETITION NO.63 OF 2007**
**IN**
**MISCELLANEOUS PETITION NO.4 OF 2007**

Dr.(Mrs) Prem S. Fry & anr. ..Petitioners

V/s.

Vinod Rajkumar Khurana & ors ..Respondents

Mr.S.S.Shah with Dinesh Pednekar with Asif Lampwala, Kumar Sumeet Rai i/b. M/s.Advani & Co. for the petitioners
Mr.Shah with Ms.Priti Sutar for the respondents

**CORAM : A.S.OKA, J.**

**DATE : 11TH OCTOBER, 2007**

**P.C.**

1. Heard learned counsel appearing for the petitioners and learned counsel appearing for the respondents. Petitioner No.1 is personally present. The respondent Nos.1 to 4 are also present.

2. After arguing the petition for some time, counsel for the parties on instructions state that by consent, order dated 7th June, 2007 passed by

this Court in Miscellaneous Petition No.4 of 2007 be set aside and Heirship Certificate issued on the basis of the said order be annulled.

3. Learned counsel appearing for the parties also state that Miscellaneous Petition No.4 of 2007 may be ordered to be heard along with T.P No.814 of 2007. It is obvious that both the parties will be free to apply for grant of appropriate interim relief in the T.P.No.814 of 2007 as well as in Miscellaneous Petition No.4 of 2007 and all the contentions of the parites in that behalf will have to be kept open.

4. Hence, I pass following order.

(i) Order dated 7th June, 2007 passed by this Court in Miscellaneous Petition No.4 of 2007 is set aside and Miscellaneous Petition No.4 of 2007 is restored to it's original number. As a consequence of this order,

Heirship Certificate issued on the basis of order dated 7th June, 2007 is hereby revoked. The original Heirship Certificate shall be filed by the respondents in this Court within a period of six weeks from today.

(ii) Miscellaneous Petition No.4 of 2007 shall be heard along with T.P.No.814 of 2007. The Prothonotary and Senior Master will obtain appropriate order from the Hon'ble the Chief Justice for assigning both the matters to one and the same Court.

(iii) It will be open for the parties to take out appropriate proceedings for grant of interim relief in Miscellaneous Petition No.4 of 2007 and T.P.No.814 of 2007. All the contentions in that behalf are kept open.

(iv) There will be no order as to costs.

(v) Miscellaneous Petition No.63 of 2007 is disposed of in above terms.

(vi) Parties to act upon an authenticated copy of this order.

(**A.S.OKA, J.**)